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GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES  
LANSING



KEITH CREAGH  
DIRECTOR

SUBMITTED: September 15, 2014  
RESUBMITTED: October 13, 2014  
RESUBMITTED: November 10, 2014

<b>A P P R O V E D</b>
_____, 20____
MICHIGAN NATURAL RESOURCES COMMISSION
(ASSISTANT TO THE COMMISSION)

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Salvage Regulations for Game Killed by Collision with a Motor Vehicle  
Wildlife Conservation Order Amendment No. 16 of 2014

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, authorizes the Director and the Commission to issue orders to manage wild animals in this state.

Discussion and Background:

Recently passed Public Act 255 of 2014 changes how game killed by collision with a motor vehicle may be possessed in Michigan. Currently, the Wildlife Conservation Order (WCO) allows an individual to possess a wild animal that is killed as a result of a motor vehicle collision under the following conditions:

- An individual does not need a salvage tag at any time to possess unprotected nongame mammals and certain unprotected nongame birds (house sparrows, European starlings, and feral pigeons) killed by a collision with a motor vehicle. Other nongame birds killed by a collision with a motor vehicle may be possessed under a scientific collectors permit;
- An individual with a valid hunting license for taking that game may possess a game animal during the open season for the game species without a salvage tag. The animal must be included in the daily, possession, and season limit;
- A spotted fawn, cub bear, migratory game bird, or game animal killed outside of the open season, except bear or deer, may not be possessed with a salvage tag:
  - If an adult deer or bear is killed by a collision with a motor vehicle, it may be salvaged at any time with a free salvage tag from the Department, conservation officer, or peace officer;
  - The driver of the damaged vehicle has first priority to possess the deer or bear;
  - An individual possessing a salvaged deer or bear must immediately produce the salvage tag upon request of a conservation or peace officer; and
  - The salvage tag must be securely attached to the deer or bear carcass immediately following issuance, and must remain attached until the carcass is processed or butchered for consumption. If the carcass is used as bait, the permittee may remove the tag while the carcass is in use, but must produce it upon a peace officer's request.

Public Act 255 of 2014 indicates the following when game is killed as the result of a collision with a motor vehicle:

- An individual may not possess badger, bobcat, brant, coot, crow, cub bear, duck, elk, fisher, Florida gallinule, geese, marten, moose, otter, snipe, sora rail, spotted fawn deer, Virginia rail, wild turkey, wolf, or woodcock;
- The driver of the damaged vehicle has first priority to possess the carcass of game animals;
- An individual who takes possession of a bear must obtain a free salvage tag from the Department or peace officer investigating the motor vehicle collision;
- An individual who takes possession of a deer must 1) obtain a free salvage tag, or 2) notify the Department of Natural Resources (DNR) or a local law enforcement agency via telephone or website, or 3) report the possession when reporting the accident to 9-1-1;
- An individual, who takes possession of small game or furbearing species not omitted by the act, must prepare a written record and show it to a law enforcement officer upon request. The record must be maintained until the individual obtains a permit from the department or until the game and its parts are consumed, composted, or no longer possessed by any individual;
- The Director may prohibit the possession of animals killed as the result of a collision with a motor vehicle in order to address disease control;
- The Department must report annually to the Legislature the number of salvage tags issued by the Department and animals taken under this act.

#### *Issues Pros and Cons*

According to legislative documents and testimony, legislators have received a lot of feedback on the amount of wild animal carcasses seen on the road as a result of collision with a motor vehicle. This problem can be mitigated if drivers can utilize the remains of game killed in a motor vehicle collision. The current protocols can be confusing and inconvenient, especially in rural areas where it might take law enforcement officers a long time to arrive at a crash scene to investigate and issue a salvage tag. Allowing a driver to keep the game carcass by reporting to the Department or maintaining a written record will streamline the salvage procedures. This simplifies the process for all drivers who would like to take the game killed by a collision with a motor vehicle for productive use, ease road agencies' burden in keeping the highways clear of debris, and enable law enforcement officers to direct their attention to more important public safety issues.

This change in procedure may inadvertently expose people to possible health risks. Drivers and law enforcement officers may not be able to make a determination of whether meat from game killed in a motor vehicle accident is safe for people to handle or eat. Furthermore, fresh meat must be properly dressed and stored relatively quickly in order to avoid the growth of potential pathogens. Although the act authorizes the director to suspend salvage mechanisms in areas where scientific data indicate that wildlife disease might pose a threat to humans, this might not be sufficient to protect public health. Additionally, poachers might use the legislation to hide the



unlawful take of wild animals. While the act contains several provisions to prevent violators from taking advantage of the salvage mechanism, the expanded options for reporting and documenting possession of game killed by a collision with a motor vehicle might make it more difficult for officers to catch poachers and prove that they have broken the law.

### *Neighboring States*

The Department polled natural resources professionals in Idaho, Minnesota, Ohio, and Wisconsin to see how a wild animal killed by a collision with a motor vehicle can be possessed in their states. The results were the following:

- Idaho: Individuals may recover and keep wildlife species classified as upland birds, upland game animals, big game, furbearers, predators, and unprotected non-game wildlife that may be lawfully hunted or trapped that have been killed by accidental vehicle collisions. There is a 24-hour window to notify Fish and Game, and 72 hours to obtain a free salvage permit. You may self-report online, which will generate a printable permit, call the Department to report. If calling, you must leave full name, phone number, address and location of the salvage so a permit may be mailed.
- Minnesota: Individuals may recover and keep any protected wild animals, as defined as big game, small game, wolf, mourning doves, and wild animals that are protected by restriction in the time of manner of taking, if they have a permit. Permits are available from conservation officers and many law enforcement agencies.
- Ohio: The driver of every motor vehicle that has caused the death of a deer by striking the deer on a highway may take possession of the deer, provided that within twenty-four hours thereafter, the driver reports the accident to a wildlife officer or other law enforcement officer. The officer shall investigate, and, if the officer finds the death has been caused as alleged, the officer shall give a certificate for legal ownership of the deer to the driver. If the deer is unclaimed, the certificate for legal ownership may be given to a private or public institution or charity or to another person. The driver of the vehicle shall have a hunting license or fur takers permit to take possession of small game killed by a motor vehicle collision.
- Wisconsin: If an individual hits a wild turkey, deer or bear while operating a motor vehicle on a highway, the individual may take possession of the carcass and remove it from the scene of the accident if the carcass is first tagged by a law enforcement officer. The individual must contact state or local authorities to obtain the tag. If the individual does not want the wild turkey, deer, or bear, any other person at the scene may request a free tag. Wild turkey, deer, or bear hit by vehicles may not be tagged with deer hunting tags or registered as deer that were harvested by a firearm or bow and arrow during the hunting season. If an individual hits a small game animal, the person can take possession without the need to obtain a tag, however, road-killed a fisher, otter, bobcat, wolf, migratory bird, or protected, endangered or threatened species may not be possessed.

### *Biological*

An individual may not remove any part of a deer, elk, or moose carcass or its parts killed by a collision with a motor vehicle from a Chronic Wasting Disease (CWD) zone or from a state or province listed in the Michigan Hunting and Trapping Digest for the current year as a CWD zone except for the following:

- Deboned meat, antlers, antlers attached to a skull cap cleaned of all brain and muscle tissue, hides and upper canine teeth;
- A finished taxidermist mount; and
- Tissues imported for use by a laboratory

Most game that must be registered and sealed with the Department has been excluded from the provisions of Public Act 255 of 2014 to try to prevent intentional take with a motor vehicle and the potential illegal harvest.

If reporting is robust, some data may be valuable regarding the species range, habitat, and migratory patterns.

### *Social*

The number of deer-vehicle collisions (DVC) reported by Michigan motorists each year is compiled by Michigan State Police, though it has been estimated by experts that in some portions of Michigan only half of DVC that occur are actually reported. Reported DVC has decreased from more than 60,000 per year in the late 90s and early 2000s to around 50,000 per year in the last several years.

In response to Public Act 255 of 2014 and based on social desires heard by the legislature from the public, the ease of possession of a wild animal killed by a collision with a motor vehicle can potentially help reduce the number of complaints received about carcasses seen on the roads. It may also reduce waste of game animals killed by collision with a motor vehicle.

The National Wild Turkey Federation and Michigan United Conservation Clubs are in favor of these changes.

### *Economic*

The Department expects the changes to have moderate budgetary implications for administrative duties to adhere to the reporting requirements, such as the creation of a database and potential reporting system.



Recommendation:

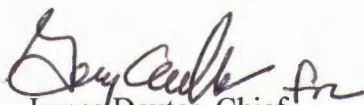
This order was submitted for information on October 9, 2014, at the Natural Resources Commission Meeting. This item appeared on the Department's September 2014 calendar. This order was submitted for action on November 6, 2014, at the Natural Resources Commission Meeting but was not acted upon due to a lack of a quorum. It may be eligible for approval on December 11, 2014.



Russ Mason, Ph.D., Chief for  
Wildlife Division



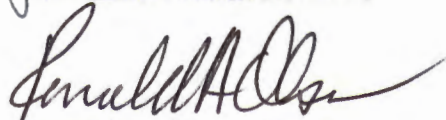
Bill O'Neill, Chief  
Forest Resources Division



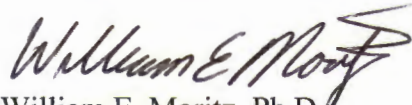
James Dexter, Chief  
Fisheries Division



Gary Hagler, Chief  
Law Enforcement Division



Ronald A. Olson, Chief  
Parks and Recreation Division



William E. Moritz, Ph.D.  
Natural Resources Deputy

I have analyzed and discussed these recommendations with staff and concur as to matters over which the Director has authority.

\_\_\_\_\_  
Keith Creagh, Director

\_\_\_\_\_  
Date

# **WILDLIFE CONSERVATION ORDER**

## **Amendment No. 16 of 2014**

By authority conferred on the Natural Resources Commission and the Director of the Department of Natural Resources by sections 40107 and 40113a of 1994 PA 451, MCL 324.40107 and 324.40113a, it is ordered that effective December 12, 2014, the following section(s) of the Wildlife Conservation Order shall read as follows:

### **4.5 Wild animal killed by motor vehicle; possession; permit; issuance, disposal.**

Sec. 4.5 An individual may possess a wild animal killed by collision with a motor vehicle, or so injured that it must be euthanized as allowed under law, only as provided for by the following:

(1) For purposes of this section "nongame" means all wild birds and wild mammals not defined as game by Part 401, wildlife conservation, 1994 PA 451, MCL 324.40103(1).

(2) Nongame mammals killed by collision with a motor vehicle, except for mammals protected by section 9.3 of this order and by Part 365 endangered species protection, 1994 PA 451, MCL 324.36503, may be possessed by an individual at any time without a permit. Mammals protected by the endangered species protection act may be possessed only in compliance with Part 365.

(3) Nongame birds killed by collision with a motor vehicle, except for house (English) sparrows, European starlings, feral pigeons, or endangered or threatened species, may be possessed pursuant to section 5.21 of this order. House (English) sparrows, European starlings, or feral pigeons may be possessed by an individual at any time without a permit. Protected birds may be possessed only in compliance with Part 365, endangered species protection, 1994 PA 451.

(4) An individual may possess game as defined MCL 324.40103, other than badger, bobcat, brant, coot, crow, cub bear, duck, elk, fisher, Florida gallinule, geese, marten, moose, otter, snipe, sora rail, spotted fawn deer, Virginia rail, wild turkey, wolf, and woodcock under the following conditions:

(a) For the purposes of this section, the driver of the motor vehicle has first priority to take possession of a wild animal killed by a collision with a motor vehicle.

(b) A spotted fawn, cub bear, migratory game bird, and all game animals listed in subsection (4) killed by a motor vehicle collision may only be possessed pursuant to section 5.21 of this order.

(c) An individual in possession of beaver, coyote, fox, mink, muskrat, opossum, raccoon, skunk, weasel, or small game under subsection (4) shall prepare and maintain a written record as described by 2014 PA 255, MCL 324.40115 until the individual obtains a permit from the department or until the game and its parts are consumed, composted, or no longer possessed by any individual.

(d) Notwithstanding the provisions of subsection (4)(b), an individual in possession of a deer killed by collision with a motor vehicle under subsection (4), or so injured that it must be euthanized, shall do one of the following:

(i) Obtain a permit from the department or by a police or peace officer investigating the motor vehicle collision;

(ii) Notify the department or a local law enforcement agency of his or her intent to maintain possession of the deer under subsection (4); or

(iii) If the individual is the driver of the motor vehicle involved in the collision and as a result of that collision is calling 9-1-1 to report the collision, the individual must state his or her intent to maintain possession of the deer under subsection (4) pursuant to 2014 PA 255, MCL 324.40115.

(5) Notwithstanding the provisions of subsection (4)(b), an individual in possession of a bear killed by collision with a motor vehicle under subsection (4), or so injured that it must be euthanized, shall obtain a permit from the department for that bear.

(6) The permit issued for the salvage of a deer or bear may be issued by a police or peace officer investigating the motor vehicle collision upon a form prescribed by the director and all of the following apply:

(a) A person possessing a deer or bear killed by collision with a motor vehicle shall immediately produce the deer and bear permit upon the demand of a conservation officer or peace officer.

(b) Immediately following the issuance of a deer and bear permit, a person possessing a deer or bear killed by collision with a motor vehicle carcass shall securely attach the permit to the carcass. The permit shall remain attached until the carcass is processed or butchered for consumption. If the carcass is used as bait, the permittee may remove the permit while the carcass is in use, but shall produce the permit upon the request of a peace officer.

(c) A permit authorized under this subsection may be issued by a department conservation officer to dispose of the carcass of a deer or bear which was otherwise accidentally or unlawfully taken, or unlawfully possessed.

(7) A wild animal killed by collision with a motor vehicle from outside the state of Michigan may be kept only by an individual meeting the provisions of section 4.1 and 4.2 of this order

**5.10 Repealed. Am. 16, 2014, Eff. December 12, 2014.**

Issued on this 11<sup>th</sup> day of December, 2014.

Approved as to matters over which the Natural Resources Commission has authority.

J. R. Richardson, Chairman  
Natural Resources Commission

Approved as to matters over which the Director has authority.

Keith Creagh  
Director